

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTHEAST TELEPHONE, INC.)	
)	
COMPLAINANT)	
VS.)	CASE NO. 2003-00105
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

SouthEast Telephone, Inc. ("SouthEast") filed a formal complaint against BellSouth Telecommunications, Inc. ("BellSouth") on March 14, 2003. The complaint alleged that BellSouth's land-to-mobile ("LTM") 11-digit dialing requirement is "harmful to complainant and consumers in Kentucky." On April 23, 2003, BellSouth filed its answer and motion to dismiss the complaint.

Preliminary discovery was allowed, and Commission Staff and SouthEast addressed data requests to BellSouth. SouthEast questioned whether or not BellSouth is necessarily required to impose 11-digit dialing in lieu of 10-digit dialing for calls originating from BellSouth's land-line customers and terminating to mobile customers. SouthEast alleges that its customers will be affected by the new dialing requirements and, in some instances, calls may be blocked. According to BellSouth, the change in

dialing requirements arose from recent federal rules that require carrier number assignments in more efficient 1,000 blocks rather than in 10,000 blocks.¹

Essentially, BellSouth's LTM tariff offered a mobile service provider the option of reverse-billing the toll charges for land-to-mobile calls from a BellSouth land-line subscriber to the mobile service provider. As a result of the new number assignment requirements, BellSouth determined that it was no longer able to offer its LTM tariff arrangement on a 7-digit dialed basis and would need to require its subscribers to dial 11 digits even though the call may not be assessed toll charges if the mobile service provider continues to use the LTM tariff option. BellSouth's filed tariff deals with Mobile Service Providers in Section A35, titled "Interconnections of Mobile Services." Specifically, A35.1.1 §§ I and J deal with LTM. These sections of the tariff were filed on June 20, 1996.

The Commission finds that BellSouth has established that its determination to eliminate 7-digit dialing associated with its LTM tariff was reasonable and not intended to be discriminatory. The Federal Communications Commission has several times extended the rollout date for wireless carriers to complete the required plan. The final deadline was November 24, 2003. Because of the complex nature of the matters² set out herein, BellSouth was not able to efficiently or properly bill LTM calls on a 7-digit basis and necessarily imposed 11-digit dialing. SouthEast provided no evidence to support its position that 10-digit dialing could have been utilized in place of 11-digit

¹ Numbering Resource Optimization Third Order on Reconsideration, CC Docket No. 99-200 and CC Docket No. 95-116.

² See Numbering Resource Optimization and Telephone Number Portability, Fourth Report and Order, CC Docket Nos. 99-200 and 95-116 (June 18, 2003).

dialing. BellSouth has sufficiently responded in its answer to the complaint and its responses to the data requests. Its motion to dismiss should be granted.

The Commission, having reviewed the record herein, and being otherwise sufficiently advised, HEREBY ORDERS that BellSouth's motion to dismiss is granted and this case is stricken from the Commission's docket.

Done at Frankfort, Kentucky, this 12th day of May, 2004.

By the Commission

ATTEST:


Executive Director